

ORIGINAL

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

IN THE UNITED STATES DISTRICT COURT 2005 SEP 30 PM 2:22
FOR THE SOUTHERN DISTRICT OF GEORGIA CLERK B. McCarthy
SO. DIST. OF GA.

AUGUSTA DIVISION

SAMUEL NATHANIEL BAILEY,

Petitioner,

v.

DONALD BARROW, Warden,

Respondent.

CV 105-027

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Respondent's motion to dismiss is **GRANTED**, petitioner's motion to dismiss an unexhausted claim is **DENIED** as **MOOT**, this civil action is **DISMISSED**, and a final judgment is **ENTERED** in favor of Respondent.

SO ORDERED this 30th day of September, 2005, at Augusta, Georgia.


UNITED STATES DISTRICT JUDGE

United States District Court
Southern District of Georgia

BAILEY

vs

BARROW

CASE NUMBER CV 105-027

DIVISION AUGUSTA

The undersigned, a regularly appointed and qualified deputy in the office of the Clerk of this district, while conducting the business of the Court for said division, does hereby certify the following:

1. Pursuant to the instructions from the Court and in the performance of my official duties, I personally placed in the United States Mail a sealed envelope, and properly addressed to each of the persons, parties or attorneys named below; and
2. That the aforementioned enveloped contained a copy of the document dated 09/30/05, which is part of the official record of this case.

Date of Mailing: 09/30/05

Date of Certificate ☒ same date, or _____

Scott L. Poff, Clerk

By: _____

Joe Howell, Deputy Clerk

Name and Address

SAMUEL NATHANIEL BAILEY SERVED @ PRISON ADDRESS
CHAD ERIC JACOBS

- ☐ Copy placed in Minutes
☒ Copy given to Judge
☒ Copy given to Magistrate